

**BRIGHAM CITY PLANNING COMMISSION MEETING  
TUESDAY, JUNE 17, 2008 – 6:30 PM  
BRIGHAM CITY COUNCIL CHAMBERS**

<b>PRESENT:</b>	Joan Peterson	Chairperson
	Barbara Poelman	Vice Chairperson
	Paul Fowler	Commissioner
	Roger Handy	Commissioner
	Reese Nielsen	Commissioner
<b>ALSO PRESENT:</b>	Ruth Jensen	City Council Liaison
	Jared Johnson	Community Development Manager
	Mark Bradley	City Planner
	Eliza McGaha	Secretary
<b>EXCUSED:</b>	Lynda Berry	Commissioner
	Deon Dunn	Commissioner
	Jeff Leishman	Associate Planner

**AGENDA:**

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

~~APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES~~

PUBLIC COMMENT <sup>1</sup> (*Per Utah Code, will receive input only, no decision can be made*) for items not listed on the agenda.

APPLICATION #3028 / CONDITIONAL USE PERMIT – MANUFACTURING AND DISTRIBUTION / 1660 NORTH AIRPORT ROAD / RMOU INVESTMENT, INC. – JOSEPH BROUGH

DISCUSSION:

**REGULAR MEETING:**

Ms. Peterson opened the regular meeting at 6:30 p.m. Paul Fowler led the Pledge of Allegiance.

**MOTION:** A motion was made by Reese Nielsen to amend the agenda to remove the approval of the work session and regular meeting minutes. The motion was seconded by Barbara Poelman and passed unanimously.

**PUBLIC COMMENT (Per Utah Code, will receive input only, no decision can be made):**

There was no public comment.

**APPLICATION #3028 / CONDITIONAL USE PERMIT – MANUFACTURING AND DISTRIBUTION / 1660 NORTH AIRPORT ROAD / RMOU INVESTMENT, INC. – JOSEPH BROUGH:**

Mr. Johnson explained that the applicant would like to build a new facility on lot number seven of the Box Elder Lake Subdivision. The use of the facility is for grinding of recycled plastic, cardboard and compound recycled products.

Joseph Brough, Owner of RMOU, James Moore, Mountain View Engineering, and Miles Robinson, Contractor, came forward. Mr. Brough stated that he had seen the Staff comments. He said they still have to go through some of their process with the Bear River Health Service to see if it will be okay or not. He said they do not totally understand what needs to be done in terms of a landscaping plan given the nature of their business, where they are located and what will grow there and so forth. He said they are looking for some input on that. Those are the only issues they do not understand. Ms. Peterson commented that Staff would be working with them on that.

Mr. Nielsen asked, in regards to septic system versus sewer depending on what happens with the Health Department, if it would be an issue if they determined that the conditions out there do not permit a septic system and they have to hook up to City sewer. Mr. Brough replied that it would be an issue but it all will be cost driven for them. Mr. Nielsen commented in respect to the landscape plan that they know where this is located and the general intent is for it to not be a mess out there. He said that between the applicant and the City Staff they should come up with something that is suitable that is not outlandish or extraordinary.

Mr. Nielsen asked if there would be any outside storage on this facility or if the intent was to put most of it inside; the type of things that will not be subject to becoming a litter issue or blowing away. Mr. Brough replied that the finished product, such as baled cardboard and baled plastic, would definitely be outside. Mr. Brough said the way it runs currently when Brigham City dumps plastic or cardboard with them when it is windy, it blows all over. He said they cannot pull those trucks inside the building to dump as they are 24.5-feet high. He said they had a City employee lift it up and measure it and they cannot even do that; it would be taller than any building they have out there and cannot afford the cost. It will still dump outside. Mr. Brough said there are only a couple of times during the year when all the raw will not be able to be housed inside such as right after the Christmas holiday; they will never store anything inside. In the past they have stored it in boxes and are outside two to three weeks before they can get caught up. Last year the City had to take cardboard to the dump because they could not take anymore. Mr. Brough said there will be periods of time, Christmas being the biggest one, where that building is just not big enough and would have to be twice the size to handle it inside. He said they already know when the wind starts blowing it is a mess and plastic dust kills lawns. There are some issues there they will work with and do the best they can. He said that currently it is all outside.

Mr. Nielsen commented, in regards to storm water and the inconsistency of the drawing with the engineering comments, that it appeared anything internal to the property line with the facilities that are to the north was something the applicant would take care of. Mr. Brough replied that was incorrect. He said that Blake Fannesbeck was out of town when they had to get this turned in and that the City is responsible for that drain. Mr. Johnson stated that currently on the east side of their property line and the west side of the property line for the bus depot, there is an open ditch. Part of the agreement was that Brigham City would go in, pipe that and install the catch basins. He said he did not know about the one in the corner. Mr. Brough stated that it was in the contract they signed with the City. He said that the City Engineer had been out looking at it and calculating it. He said they have some pipe they can use if it fits at the end of their property, if it will be adequate. Mr. Nielsen clarified that there is no inconsistency but rather the fact is the updated information is a

comment from the Engineering Department that the City is going to install the onsite water catch. Ms. Poelman asked how many people Mr. Brough employed. He stated they employ about 37 people. If growth takes place, they may add four to five more. He said plastic is made out of oil and with the oil market the way it is, recycled plastic has become more fashionable.

Mr. Handy commented that he is absenting himself from the discussion and the vote because his son works for Mountain View Engineering. Ms. Peterson asked Mr. Johnson if they had enough members present to vote on the application with Mr. Handy abstaining. Mr. Johnson replied that four would give them a majority on a seven seat Commission and Mr. Handy could still vote as there is not a conflict there.

**MOTION:** A motion was made by Barbara Poelman that application #3028 be approved for a conditional use permit based on the Staff recommendations that have been listed and the owners understanding of them and with the stipulations that it comply with Chapter 29.06 Uses, Chapter 29.14 Industrial District, Chapter 29.19 Airport Overlay Zone, Chapter 29.24 Design Review and the Staff evaluation. Based on the findings of fact that such use will not under the circumstances of the particular case (Ms. Poelman asked if she ought to include a timeframe, such as at Christmas, that it be taken care of within a two week period of time or if it was just what the owner is able to do. Mr. Johnson replied that she could put a condition of a timeline on it if she chose. He suggested working with the applicant to make sure it is a reasonable time period that they can actually achieve) and all of the material that is unable to be addressed immediately that the owner take the responsibility that it be done at least within a two week period of time, at Christmas time and other times there is an extra amount there. Based on the findings of facts that under the circumstances of the particular case will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and that such use is found to be in compliance with those Chapters already mentioned and is in compliance with the Brigham City General Plan. The motion was seconded by Reese Nielsen.

Discussion: Mr. Fowler suggested adding that reasonable efforts will be made on the owner's part to contain that in a reasonable amount of time and leave it up to them to decide what that is. Mr. Nielsen agreed but his premise would be to not put a definitive time period in there but to have the applicant and Staff look at what is appropriate based on the situation as opposed to time as the Commission is not familiar enough with that situation. Mr. Nielsen suggested the motion be modified in that the applicant and the Staff work out a suitable time period for which material should not be left uncovered, uncontained, loose and subject to being blown around or off the property for greater than some period of time to be determined by the applicant and Staff. Ms. Poelman said she was amenable to that. Mr. Nielsen wanted to make sure in regards to the stipulation that they comply with the Staff evaluation, there was a comment in there that was not previously discussed which was a modification to the driveway approach. He said there is something different that has to be done in there for Community Development but he said he is not aware of what that is. Mr. Brough said they told the City that it was their trucks that were

coming in and he did not care where the entrance is at. Mr. Nielsen commented that since curb and gutter are going to be installed at the expense of the City, he said that the appropriate approach in place of the sidewalk. Mr. Fowler commented that there is a difference between having things outside and they are doing what they can to contain it with a tarp or something rather than having things blow all over. Ms. Poelman and Mr. Nielsen stated that they were in concurrence with the amendment to the motion.

The motion passed unanimously.

**MOTION:** A motion was made by Reese Nielsen that the Planning Commission recommend to City Council that sidewalk be deferred on the road where the City is putting in the curb and gutter based on the fact that there is no other sidewalk in the area and that the deferral ranking is very low at 1.5. The motion was seconded by Barbara Poelman.

Roll Call:

Reese Nielsen – Aye

Paul Fowler – Nay

Barbara Poelman – Aye

Roger Handy – Aye

The motion passed 3 to 1.

#### **DISCUSSION:**

Ms. Peterson said she was requested by the Planning Commission at that previous meeting to prepare a letter to be published regarding their decision on Rocky Mountain Power. She said she had a conversation with the Mayor in which she asked that she not write the letter because the press was going to be at the meeting in which they vote on that application and the press would give adequate coverage. Ms. Peterson told the Mayor that they would wait and see. Mr. Nielsen said he did not recall asking her to write a letter. Mr. Nielsen said his opinion that a separate letter by the Chairman is not necessary. If they make a motion to do something and back it up with their reasons why they made that particular motion to approve or disapprove, it is a public record, the facts are there and he sees no reason to make a separate comment or statement. Ms. Poelman said that was what all the gentlemen at the table had agreed with. Mr. Fowler said the thoughts behind that, as he recalled, were more of a PR measure to help people understand.

**MOTION:** A motion was made by Reese Nielsen to adjourn. The motion was seconded by Barbara Poelman and passed unanimously.

The meeting adjourned at 6:53 p.m.

*This certifies that the regular meeting minutes of June 17, 2008 are a true and accurate copy as approved by the Planning Commission on July 15, 2008.*

Signed: \_\_\_\_\_

*Jeffery R. Leishman, Secretary*